



# Journal of the Senate

State of Indiana

116th General Assembly

First Regular Session

Fortieth Meeting Day

Monday Afternoon

April 6, 2009

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Monsignor Schaedel, Vicar General of the Archdiocese of Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator Jean D. Leising.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long <input type="checkbox"/>
Arnold	Lubbers
Becker	Merritt
Boots	Miller
Bray	Mishler
Breaux	Mrvan
Brodén	Nugent
Buck	Paul
Charbonneau	Randolph
Deig	Rogers
Delph	Simpson
Dillon	Sipes
Errington	Skinner
Gard	Steele
Head	Stutzman
Hershman	Tallian
Holdman	Taylor
Hume	Walker
Kenley	Waltz
Kruse	Waterman <input type="checkbox"/>
Lanane	Wyss
Landske	Yoder
Lawson	M. Young
Leising	R. Young
Lewis	Zakas

Roll Call 316: present 48; excused 2. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1604, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 3. IC 6-9-8-3, AS AMENDED BY P.L.214-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The tax imposed by section 2 of this chapter shall be at the rate of:

(1) before January 1, 2028, five percent (5%) on the gross income derived from lodging income only, plus an additional one percent (1%) if the fiscal body adopts an ordinance under subsection (b), plus an additional three percent (3%) if the fiscal body adopts an ordinance under subsection (d);

(2) after December 31, 2027, and before January 1, 2041, five percent (5%), plus an additional one percent (1%) if the fiscal body adopts an ordinance under subsection (b), plus an additional three percent (3%) if the fiscal body adopts an ordinance under subsection (d); and

(3) after December 31, 2040, five percent (5%).

(b) In any year subsequent to the initial year in which a tax is imposed under section 2 of this chapter, the fiscal body may, by ordinance adopted by at least two-thirds (2/3) of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter from five percent (5%) to six percent (6%). The ordinance must specify that the increase in the tax authorized under this subsection expires January 1, 2028.

(c) The amount collected from an increase adopted under subsection (b) shall be transferred to the capital improvement board of managers established by IC 36-10-9-3. The board shall deposit the revenues received under this subsection in a special fund. Money in the special fund may be used only for the payment of obligations incurred to expand a convention center, including:

(1) principal and interest on bonds issued to finance or refinance the expansion of a convention center; and

(2) lease agreements entered into to expand a convention center.

(d) On or before June 30, 2005, the fiscal body may, by ordinance adopted by a majority of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter by an additional three percent (3%) to a total rate of eight percent (8%) (or nine percent (9%) if the fiscal body has adopted an ordinance under subsection (b) and that rate remains in effect). The ordinance must specify that the increase in the tax authorized under this subsection expires on:

(1) January 1, 2041;

(2) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the authority created by IC 5-1-17 or to any state agency under IC 5-1-17-26; or

(3) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

If the fiscal body adopts an ordinance under this subsection, it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue, and the increase in the tax imposed under this chapter applies to transactions that occur after June 30, 2005.

**(e) On or before June 30, 2009, the fiscal body may, by ordinance adopted by a majority of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter by an additional one percent (1%) to a total rate of:**

**(1) nine percent (9%); or**

**(2) ten percent (10%), if the fiscal body has adopted an ordinance under subsection (b) and that rate remains in effect. The ordinance must specify that the increase in the tax authorized under this subsection expires on January 1, 2041.**

**If the fiscal body adopts an ordinance under this subsection, it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue, and the increase in the tax imposed under this chapter applies to transactions that occur after June 30, 2009.**

~~(f)~~ **(f)** The amount collected from an increase adopted under:

(1) subsection (b) and collected after December 31, 2027; and

(2) subsection (d);

shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency pursuant to IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

**(g) The amount collected from an increase adopted under subsection (e) shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its designee. The capital improvement board or its designee shall deposit the revenue received under this subsection in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:**

**(1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or**

**any state agency under IC 5-1-17-26; or**

**(2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.**

SECTION 4. IC 6-9-12-5, AS AMENDED BY P.L.214-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to subsection (b), the county food and beverage tax imposed on a food or beverage transaction described in section 3 of this chapter equals one percent (1%) of the gross retail income received by the retail merchant from the transaction. The tax authorized under this subsection expires January 1, 2041.

(b) On or before June 30, 2005, the city-county council of a county may, by a majority vote of the members elected to the city-county council, adopt an ordinance that increases the tax imposed under this chapter by an additional rate of one percent (1%) to a total rate of two percent (2%). The ordinance must specify that the increase in the tax authorized under this subsection expires on:

(1) January 1, 2041;

(2) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the authority created by IC 5-1-17 or to any state agency under IC 5-1-17-26; or

(3) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

If a city-county council adopts an ordinance under this subsection, it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue, and the increase in the tax imposed under this chapter applies to transactions that occur after June 30, 2005.

**(c) On or before June 30, 2009, the city-county council of a county may, by a majority vote of the members elected to the city-county council, adopt an ordinance that increases the tax imposed under this chapter by an additional rate of twenty-five hundredths percent (0.25%) to a total rate of two and twenty-five hundredths percent (2.25%). The ordinance must specify that the increase in the tax authorized under this subsection expires on January 1, 2041. If a city-county council adopts an ordinance under this subsection, it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue, and the increase in the tax imposed under this chapter applies to transactions that occur after June 30, 2009.**

~~(d)~~ **(d)** For purposes of this chapter, the gross retail income received by the retail merchant from a transaction that is subject to the tax imposed by this chapter does not include the amount of tax imposed on the transaction under IC 6-2-5.

SECTION 5. IC 6-9-12-8, AS AMENDED BY P.L.214-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** The amounts received from the county food and beverage tax shall be paid

monthly by the treasurer of the state to the treasurer of the capital improvement board of managers of the county or its designee upon warrants issued by the auditor of state.

(b) So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received from that portion of the county food and beverage tax imposed under:

(1) section 5(a) of this chapter for revenue received after December 31, 2027; and

(2) section 5(b) of this chapter;

in a special fund, which may be used only for the payment of the obligations described in this section.

(c) **The amount collected from an increase adopted under section 5(c) of this chapter shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its designee. The capital improvement board or its designee shall deposit the revenue received under this subsection in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:**

(1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26; or

(2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

SECTION 6. IC 6-9-13-2, AS AMENDED BY P.L.214-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b), the county admissions tax equals five percent (5%) of the price for admission to any event described in section 1 of this chapter.

(b) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the county admissions tax from five percent (5%) to six percent (6%) of the price for admission to any event described in section 1 of this chapter.

(c) **On or before June 30, 2009, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the county admissions tax from six percent (6%) to ten percent (10%) of the price for admission to any event described in section 1 of this chapter.**

(~~c~~) (d) The amount collected from that portion of the county

admissions tax imposed under:

(1) subsection (a) and collected after December 31, 2027; and

(2) subsection (b);

shall be distributed to the capital improvement board of managers or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received from that portion of the county admissions tax imposed under subsection (b) in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) **The amount collected from an increase adopted under subsection (c) shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its designee. The capital improvement board or its designee shall deposit the revenue received under this subsection in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:**

(1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26; or

(2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement."

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 15. IC 6-9-27-9.5, AS AMENDED BY P.L.184-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9.5. (a) A city shall use money in the fund established under section 8.5 of this chapter for only the following:

(1) Renovating the city hall.

(2) Constructing new police or fire stations, or both.

(3) Improving the city's sanitary sewers or wastewater treatment facilities, or both.

(4) Improving the city's storm water drainage systems.

(5) Other projects involving the city's water system or sanitary sewer system or protecting the city's well fields, as determined by the city fiscal body.

(6) **Improvements or projects involving the city's parks.** Money in the fund may not be used for the operating costs of a project. ~~In addition, the city may not initiate a project under this chapter after December 31, 2015.~~

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city or a special taxing district in the city to provide the projects described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (b) is enforceable under IC 5-1-14-4."

Page 9, line 27, delete "Any" and insert "Fifty percent (50%) of the".

Page 9, line 27, after "money" insert "that is".

Page 9, line 28, delete "June 30, 2009, that" insert "December 31, 2009, and".

Page 10, line 2, after "IC 36-10-8-12." insert "Excess revenue transferred under this subsection to the capital improvement board of managers may be used only for a project initiated after December 31, 2008, and may not be used, or transferred to a fund that allows the money to be used, to pay operational expenses for any facilities of the municipality."

Page 10, line 26, delete "December" and insert "March".

Page 10, between lines 29 and 30, begin a new paragraph and insert:

SECTION 19. IC 6-9-41 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 41. Monroe County Food and Beverage Tax**

**Sec. 1.** This chapter applies to Monroe County.

**Sec. 2.** Except as provided in sections 3, 4, and 9(b) of this chapter, the definitions in IC 6-9-12-1 and IC 36-1-2 apply throughout this chapter.

**Sec. 3.** As used in this chapter, "city" means the city of Bloomington.

**Sec. 4.** As used in this chapter, "county" means Monroe County.

**Sec. 5.** (a) The fiscal body of the county may adopt an ordinance to impose an excise tax, known as the county food and beverage tax, on those transactions described in section 6 of this chapter. The effective date of an ordinance adopted under this subsection must be after December 31, 2009.

(b) If the fiscal body adopts an ordinance under subsection (a), the fiscal body shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(c) If the fiscal body adopts an ordinance under subsection (a), the county food and beverage tax applies to transactions that occur after the last day of the month that succeeds the month in which the ordinance is adopted.

**Sec. 6.** (a) Except as provided in subsection (c), a tax imposed under section 5 of this chapter applies to any transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location, or on equipment, provided by a retail merchant;
- (2) in the county in which the tax is imposed; and
- (3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

(1) served by a retail merchant off the merchant's premises;

(2) food sold in a heated state or heated by a retail merchant;

(3) two (2) or more food ingredients mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or packaging used to transport the food).

(c) The county food and beverage tax does not apply to the furnishing, preparing, or serving of any food or beverage in a transaction that is exempt, or to the extent exempt, from the state gross retail tax imposed by IC 6-2.5.

**Sec. 7.** The county food and beverage tax imposed on a food or beverage transaction described in section 6 of this chapter equals one percent (1%) of the gross retail income received by the merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from the transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

**Sec. 8.** If an ordinance is not adopted under section 9 of this chapter, the tax that may be imposed under section 5 of this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed for the payment of the tax under this chapter may be made separately or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

**Sec. 9.** (a) The county fiscal body may adopt an ordinance to require that the tax imposed under section 5 of this chapter be reported on forms approved by the county treasurer and that the tax be paid monthly to the county treasurer. If an ordinance is adopted under this subsection, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month in which the tax is collected. If an ordinance is not adopted under this subsection, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(b) If an ordinance is adopted under this section, all of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration apply to the imposition and administration of the tax imposed under section 5 of this chapter, except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer.

(c) Specifically and not in limitation of this subsection, the terms "person" and "gross income" have the same meaning in this section as set forth in IC 6-2.5, except that "person" does not include state supported educational institutions. If the tax is paid to the department of state revenue, the returns to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may by rule determine.

Sec. 10. If an ordinance is not adopted under section 9 of this chapter, the amounts received from the county food and beverage tax imposed under section 5 of this chapter shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

Sec. 11. (a) If an ordinance is adopted under section 5 of this chapter, the county treasurer shall establish a food and beverage tax receipts fund.

(b) The county treasurer shall deposit in the fund county food and beverage tax revenue that the county treasurer receives.

(c) Any money earned from the investment of money in the fund becomes part of the fund.

(d) Money in the fund at the end of the county fiscal year does not revert to the county general fund.

Sec. 12. (a) If an ordinance is adopted under section 5 of this chapter, the fiscal officer of the city shall establish a food and beverage tax receipts fund.

(b) The fiscal officer shall deposit in the fund county food and beverage tax revenue that the fiscal officer receives.

(c) Any money earned from the investment of money in the fund becomes part of the fund.

(d) Money in the fund at the end of the city fiscal year does not revert to the city general fund.

Sec. 13. (a) Each month, the county auditor shall distribute the county food and beverage tax revenue received by the county treasurer between the city and the county according to the location where the county food and beverage tax was collected. If the county food and beverage tax was collected in the city, the city must receive the revenue. If the county food and beverage tax was collected in the part of the county that is outside the city, the county must receive the revenue.

(b) Distribution of county food and beverage tax revenue to the city must be on warrants issued by the county auditor.

Sec. 14. The county's share of county food and beverage tax revenue deposited in the county food and beverage tax receipts fund may be used only to finance, refinance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects.

Sec. 15. Money deposited in the city food and beverage tax receipts fund may be used only to finance, refinance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects.

Sec. 16. (a) In order to coordinate and assist efforts of the county and city fiscal bodies regarding the utilization of food and beverage tax receipts, an advisory commission shall be established and composed of the following individuals:

(1) Three (3) members who are owners of retail facilities that sell food or beverages subject to the county food and beverage tax imposed under this chapter appointed by the city and county executive.

(2) The president of the county executive.

(3) A member of the county fiscal body appointed by the members of the county fiscal body.

(4) The city executive.

(5) A member of the city legislative body appointed by the members of the city legislative body.

(b) The county and city legislative bodies must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter. The county or city legislative body may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the advisory commission.

SECTION 20. IC 6-9-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### Chapter 42. Morgan County Innkeeper's Tax

Sec. 1. This chapter applies to Morgan County.

Sec. 2. (a) The county council may impose a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

(1) hotel;

(2) motel;

(3) boat motel;

(4) inn;

(5) college or university memorial union;

(6) college or university residence hall or dormitory; or

(7) tourist cabin;

located in the county.

(b) The tax does not apply to gross income received in a transaction in which a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) The tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

Sec. 3. The county council may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If an ordinance is adopted under this section, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If an ordinance is not adopted under this section, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

Sec. 4. (a) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the

requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(b) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

**Sec. 5. (a) The county treasurer shall establish a parks and recreation fund. The county treasurer shall deposit in this fund all amounts the county treasurer receives under this chapter.**

(b) Money in a parks and recreation fund may be expended to:

- (1) acquire land for parks and recreational purposes; and
- (2) provide funding for parks and recreation:
  - (A) facilities;
  - (B) programs;
  - (C) services; and
  - (D) matching grants.

SECTION 21. IC 7.1-4-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. An excise tax, referred to as the beer excise tax, at the rate of ~~eleven and one-half~~ **twenty-three** cents (~~\$1.15~~) (**\$0.23**) a gallon is imposed upon the sale of beer or flavored malt beverage within Indiana.

SECTION 22. IC 7.1-4-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~Rate of Tax.~~ An excise tax at the rate of ~~two~~ **five** dollars and ~~sixty-eight~~ **thirty-six** cents (~~\$2.68~~) (**\$5.36**) a gallon is imposed upon the sale, gift, or the withdrawal for sale or gift, of liquor and wine that contains twenty-one percent (21%), or more, of absolute alcohol reckoned by volume.

SECTION 23. IC 7.1-4-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. An excise tax at the rate of ~~forty-seven~~ **ninety-four** cents (~~\$0.47~~) (**\$0.94**) a gallon is imposed upon the manufacture and sale or gift, or withdrawal for sale or gift, of wine, except hard cider, within this state.

SECTION 24. IC 7.1-4-4.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. An excise tax at the rate of ~~eleven and one-half~~ **twenty-three** cents (~~\$0.115~~) (**\$0.23**) a gallon is imposed upon the manufacture and sale or gift, or withdrawal for sale or gift, of hard cider within Indiana.

SECTION 25. IC 7.1-4-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~Rate of Tax.~~ An excise tax at the rate of ~~five~~ **ten** cents (~~5¢~~) (**\$0.10**) a gallon, or fraction of a gallon, is imposed upon the sale, gift, exchange, or barter of liquid malt or wort.

SECTION 26. IC 7.1-4-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The department shall deposit:

- (1) four cents (\$0.04) of the beer excise tax rate collected on each gallon of beer or flavored malt beverage;
- (2) one dollar (\$1) of the liquor excise tax rate collected on each gallon of liquor;

(3) twenty cents (\$0.20) of the wine excise tax rate collected on each gallon of wine;

(4) ~~the entire amount~~ **five cents (\$0.05) of the malt excise tax rate collected and on each gallon of liquid malt or wort; and**

(5) ~~the entire amount~~ **eleven and one-half cents (\$0.115) of the hard cider excise tax rate collected on each gallon of hard cider;**

daily with the treasurer of state and not later than the fifth day of the following month shall cover them into the general fund of the state for distribution as provided in this chapter.

SECTION 27. IC 7.1-4-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### **Chapter 14. Local Economic Development Fund**

**Sec. 1. (a) The local economic development fund is established to provide distributions to cities and towns throughout Indiana. The fund shall be administered by the department of local government finance.**

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The department shall deposit daily with the treasurer of state the following amounts:

(1) **Eleven and one-half cents (\$0.115) of the beer excise tax rate collected on each gallon of beer or flavored malt beverage.**

(2) **Two dollars and sixty-eight cents (\$2.68) of the liquor excise tax rate collected on each gallon of liquor.**

(3) **Forty-seven cents (\$0.47) of the wine excise tax rate collected on each gallon of wine.**

(4) **Five cents (\$0.05) of the malt excise tax rate collected and on each gallon of liquid malt or wort.**

(5) **Eleven and one-half cents (\$0.115) of the hard cider excise tax rate collected on each gallon of hard cider.**

**Not later than the fifth day of the following month, the treasurer of state shall transfer the deposits to the local economic development fund established by this chapter.**

**Sec. 2. (a) The treasurer of state shall distribute the amount deposited in the fund to the cities and towns throughout Indiana based on population. Money received by a city or town may be used only for economic development, including job creation or retention, infrastructure needs, or employment related training in the city or town.**

(b) For a:

(1) **consolidated city, all the money received by the city shall be transferred to the capital improvement board of managers in the county; and**

(2) **city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), fifty percent (50%) of money received by the city shall be transferred to the joint county-city capital improvement board of managers in the county.**

(c) **One-half (1/2) of the distribution shall be made on or before June 1 and the remaining one-half (1/2) shall be distributed on or before December 1 each year.**

SECTION 28. IC 36-7-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. As used in this chapter, "covered taxes" means the following:

**(1) With respect to the professional sports development area as it existed on December 31, 2008:**

~~(1)~~ **(A)** The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

~~(2)~~ **(B)** An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

~~(3)~~ **(C)** A county option income tax imposed under IC 6-3.5-6.

~~(4)~~ **(D)** A food and beverage tax imposed under IC 6-9.

**(2) With respect to an addition to the professional sports development area after December 31, 2008, the state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.**

SECTION 29. IC 36-7-31-10, AS AMENDED BY P.L.214-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. A commission may establish as part of a professional sports development area any facility **or complex of facilities**:

(1) that is used in the training of a team engaged in professional sporting events; ~~or~~

(2) that is:

(A) financed in whole or in part by:

(i) notes or bonds issued by a political subdivision or issued under IC 36-10-9 or IC 36-10-9.1; or

(ii) a lease or other agreement under IC 5-1-17; and

(B) used to hold a professional sporting event; **or**

**(3) that:**

**(A) consists of a hotel, motel, or a multibrand complex of hotels or motels where accommodations are regularly furnished for consideration to the general public for periods of less than thirty (30) days;**

**(B) is located within five-tenths (0.5) of a mile from the Indiana Convention Center as measured on an entrance to entrance basis;**

**(C) contains at least one thousand (1,000) rooms placed in service after December 31, 2008; and**

**(D) provides access to the Indiana Convention Center by a covered structure.**

The tax area may include a facility **or complex of facilities** described in this section and any parcel of land on which the facility **or complex of facilities** is located. An area may contain noncontiguous tracts of land within the county.

SECTION 30. IC 36-7-31-11, AS AMENDED BY P.L.214-2005, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A tax area must be initially established before July 1, 1999, according to the procedures set forth for the establishment of an economic development area under IC 36-7-15.1. A tax area may be changed (including to the exclusion or inclusion of a facility described in this chapter) or the terms governing the tax area may be revised in the same manner as the establishment of the initial tax area. However, **a tax area may be changed as follows:**

**(1) After May 14, 2005, ~~(1)~~ a tax area may be changed ~~only~~ to include the site or future site of a facility that is or will**

**be the subject of a lease or other agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26. ~~and~~**

**(2) After June 30, 2009, a tax area may be changed to include the site or future site of a facility or complex of facilities described in section 10(3) of this chapter.**

~~(2)~~ **(3) The terms governing a tax area may be revised only with respect to a facility **or complex of facilities** described in subdivision (1) **or** (2).**

(b) In establishing or changing the tax area or revising the terms governing the tax area, the commission must ~~make do~~ the following: ~~findings~~:

**(1) With respect to a tax area change described in subsection (a)(1), the commission must make the following findings instead of the findings required for the establishment of economic development areas:**

~~(1)~~ **(A)** That a project to be undertaken or that has been undertaken in the tax area is for a facility at which a professional sporting event or a convention or similar event will be held.

~~(2)~~ **(B)** That the project to be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

~~(3)~~ **(C)** That the project to be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

**(2) With respect to a tax area change described in subsection (a)(2), the commission must make the following findings instead of the findings required for the establishment of an economic development area:**

**(A) That the facility or complex of facilities in the tax area provides convenient accommodations for professional sporting events, conventions, or similar events held in the capital improvements that are operated by the capital improvement board.**

**(B) That the facility or complex of facilities in the tax area provides the opportunity for the capital improvement board to hold events having a significant positive economic impact.**

**(C) That the facility or complex of facilities in the tax area protects or increases state and local tax bases and tax revenues.**

(c) The tax area established by the commission under this chapter is a special taxing district authorized by the general assembly to enable the county to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

SECTION 31. IC 36-7-31-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The budget agency must approve the resolution before covered taxes may be allocated under section 14 **or 14.2 of this chapter.**

(b) When considering a resolution **with respect to a tax area change described in section 11(a)(1) of this chapter**, the budget committee and the budget agency must make the following findings:

**(1) The cost of the facility and facility site specified under**

the resolution exceeds one hundred thousand dollars (\$100,000).

(2) The project specified in the resolution is economically sound and will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the tax area established under this chapter.

(3) The political subdivisions ~~effected~~ **affected** by the project specified in the resolution have committed significant resources towards completion of the improvement.

**(c) When considering a resolution with respect to a tax area change described in section 11(a)(2) of this chapter, the budget committee and the budget agency must make the following findings:**

**(1) The facility or complex of facilities described in section 10(3) of this chapter will provide accommodations that are located in convenient proximity to capital improvements that are operated by the capital improvement board.**

**(2) The facility or complex of facilities specified in the resolution will benefit the people of Indiana by providing the opportunity for the capital improvement board to hold events having a significant positive economic impact.**

**(3) The facility or complex of facilities specified in the resolution will protect or increase state and local tax bases and tax revenues.**

~~(c)~~ **(d)** Revenues from the tax area may not be allocated until the budget agency approves the resolution.

SECTION 32. IC 36-7-31-14, AS AMENDED BY P.L.214-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. **(a) This section does not apply to that part of the tax area in which a facility or complex of facilities described in section 11(a)(2) of this chapter is located. A reference to "tax area" in this section does not include the part of the tax area in which a facility or complex of facilities described in section 11(a)(2) of this chapter is located.**

~~(a)~~ **(b)** A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports development area fund established for the county. The allocation provision must apply to the ~~entire part of the tax area covered by this section~~. The resolution must provide that the tax area terminates not later than December 31, 2027.

~~(b)~~ **(c)** All of the salary, wages, bonuses, and other compensation that are:

- (1) paid during a taxable year to a professional athlete for professional athletic services;
- (2) taxable in Indiana; and
- (3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

~~(c)~~ **(d)** Except as provided by section 14.1 of this chapter, the total amount of state revenue captured by the tax area may not

exceed five million dollars (\$5,000,000) per year for twenty (20) consecutive years.

~~(d)~~ **(e)** The resolution establishing the tax area must designate the facility and the facility site for which the tax area is established and covered taxes will be used.

~~(e)~~ **(f)** The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 33. IC 36-7-31-14.1, AS AMENDED BY P.L.120-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14.1. (a) The budget director appointed under IC 4-12-1-3 may determine that, commencing July 1, 2007, there may be captured in the tax area up to eleven million dollars (\$11,000,000) per year in addition to the up to five million dollars (\$5,000,000) of state revenue to be captured by the tax area under section 14 of this chapter **for the professional sports development area fund and in addition to the state revenue to be captured by the part of the tax area covered by section 14.2 of this chapter for the sports and convention facilities operating fund**, for up to thirty-four (34) consecutive years. The budget director's determination must specify that the termination date of the tax area for purposes of the collection of the additional eleven million dollars (\$11,000,000) per year **for the professional sports development area fund** is extended to not later than:

- (1) January 1, 2041; or
- (2) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26.

Following the budget director's determination, and commencing July 1, 2007, the maximum total amount of revenue captured by the tax area for years ending before January 1, 2041, ~~shall be~~ **is** sixteen million dollars (\$16,000,000) per year **for the professional sports development area fund**.

(b) The additional revenue captured pursuant to a determination under subsection (a) shall be distributed to the capital improvement board or its designee. So long as there are any current or future obligations owed by the capital improvement board to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board or its designee shall deposit the additional revenue received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(c) Notwithstanding the budget director's determination under subsection (a), after January 1, 2010, the capture of the additional eleven million dollars (\$11,000,000) per year described in subsection (a) terminates on January 1 of the year following the first year in which no obligations of the capital improvement board described in subsection (b) remain outstanding.

SECTION 34. IC 36-7-31-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14.2. (a) This section applies to the part of the tax area in which a facility**



or complex of facilities described in section 11(a)(2) of this chapter is located. A reference to "tax area addition" in this section includes only the part of the tax area in which a facility or complex of facilities described in section 11(a)(2) of this chapter is located.

(b) A tax area change described in section 11(a)(2) of this chapter must be established by resolution. A resolution changing the tax area must provide for the allocation of:

- (1) covered taxes attributable to a taxable event in the tax area addition; or
- (2) covered taxes earned in the tax area addition;

to the sports and convention facilities operating fund established by section 16(b) of this chapter. However, to the extent a covered tax has been pledged before January 1, 2009, and allocated under IC 36-10-9-11 to the capital improvement bond fund, that amount shall not be allocated to the sports and convention facilities operating fund. The allocation provision must apply only to the tax area addition. The resolution must provide that the tax area addition terminates not later than December 31, 2040.

(c) The revenue captured for the sports and convention facilities operating fund shall be distributed to the capital improvement board or its designee. The capital improvement board or its designee shall deposit the revenue received under this section in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:

- (1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26; or
- (2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

(d) The resolution changing the tax area must designate each facility and each facility site for which the money to be distributed from the sports and convention facilities operating fund will be used.

(e) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to the tax area addition.

SECTION 35. IC 36-7-31-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A professional sports development area fund for the benefit of the county is established. The fund shall be administered by the department. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) A sports and convention facilities operating fund for the benefit of the county is established. The fund shall be administered by the department. Money in the fund does not revert to the state general fund at the end of a state fiscal

year.

SECTION 36. IC 36-7-31-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Covered taxes attributable to a taxing area established under section 14 of this chapter shall be deposited in the professional sports development area fund established by section 16(a) of this chapter for the county.

(b) Covered taxes attributable to the part of the tax area in which a facility or complex of facilities described in section 11(a)(2) of this chapter is located shall be deposited in the sports and convention facilities operating fund established by section 16(b) of this chapter for the county. However, to the extent a covered tax has been pledged before January 1, 2009, and allocated under IC 36-10-9-11 to the capital improvement bond fund, that amount shall not be allocated to the sports and convention facilities operating fund.

SECTION 37. IC 36-7-31-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. On or before the twentieth day of each month, all amounts held in the professional sports development area fund and in the sports and convention facilities operating fund for the county shall be distributed to the capital improvement board.

SECTION 38. IC 36-7-31-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. All distributions from the professional sports development area fund or the sports and convention facilities operating fund for the county shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the capital improvement board.

SECTION 39. IC 36-7-31-21, AS AMENDED BY P.L.214-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) Except as provided in section 14.1 of this chapter, the capital improvement board may use money distributed from the professional sports development area fund established by section 16(a) of this chapter only to construct and equip a capital improvement that is used for a professional sporting event, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

(b) Except as provided in section 14.2 of this chapter, the capital improvement board:

- (1) may use money distributed from the sports and convention facilities operating fund established by section 16(b) of this chapter only to pay usual and customary operating expenses that have a positive economic impact with respect to capital improvements operated by the capital improvement board; and
- (2) may not use money distributed from the sports and convention facilities operating fund to construct or equip a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

SECTION 40. IC 36-7-31-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. The capital improvement board shall repay to the professional sports development area fund or the sports and convention facilities

**operating fund** any amount that is distributed to the capital improvement board and used for:

- (1) a purpose that is not described in section 21 of this chapter; or
- (2) a facility or facility site other than the facility and facility site to which covered taxes are designated under the resolution described in section 14 **or 14.2** of this chapter.

The department shall distribute the covered taxes repaid to the professional sports development area fund **or the sports and convention facilities operating fund** under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

SECTION 41. IC 36-9-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A municipality may:

- (1) regulate the parking or standing of vehicles upon or off any public way in the municipality; and
- (2) provide for the collection of license fees from a person parking or standing a vehicle upon or off any public way in the municipality;

by the use of parking meters. Regulations and fees under this section must be established by ordinance. **Disbursements of revenue from fees that are received by the municipality must be authorized by ordinance.**

SECTION 42. IC 36-9-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) **If a municipality has not adopted an ordinance for the deposit and disbursement of license fees from parking meters, a municipality must provide, by ordinance, that:**

- (1) all license fees collected from parking meters shall be deposited with the municipal fiscal officer;
- (2) the fees shall be deposited to the credit of the municipality in a special fund; and
- (3) disbursements from the special fund may be made only on orders of the municipal works board, ~~or~~ **board of transportation, or other governmental body designated by ordinance**, and only for the purposes listed in subsection (b).

(b) Disbursements from the special fund may be made only to pay:

- (1) the purchase price, rental fees, and cost of installation of the parking meters;
- (2) the cost of maintenance, operation, and repair of the parking meters;
- (3) incidental costs and expenses in the operation of the parking meters, including the cost of clerks and bookkeeping;
- (4) the cost of traffic signal devices used in the municipality;
- (5) the cost of repairing and maintaining any of the public ways, curbs, and sidewalks where the parking meters are in use, and all public ways connected with them in the municipality;
- (6) the cost of acquiring, by lease or purchase, suitable land for offstreet parking facilities to be operated or leased by the municipality;
- (7) the principal and interest on bonds issued:

(A) to acquire parking facilities and devices; **or**

(B) **for other public infrastructure and improvements;**

(8) the cost of improving and maintaining land for parking purposes and purchasing, installing, and maintaining parking meters on that land; ~~and~~

(9) the cost of providing approved school crossing protective facilities, including the costs of purchase, maintenance, operation, and repair, and all other incidental costs;

(10) **the cost associated with the acquisition, construction, renovation, operation, and maintenance of public infrastructure and improvements; and**

(11) **other purposes authorized by the municipality, so long as the municipality makes appropriate disbursements to make payments for items set forth in subdivisions (1) through (3).**

SECTION 43. IC 36-9-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Money deposited in the special fund under section 4 of this chapter may be expended only upon a specific appropriation made for that purpose by the municipal legislative body in the same manner that it appropriates other public money.

(b) The municipal works board or board of transportation shall prepare an itemized estimate of the money **that may be** necessary for the operation of parking meters for the ensuing year at the regular time of making and filing budget estimates for other departments of the municipality. These estimates shall be made and presented to the municipal legislative body in the same manner as other department estimates.

(c) An appropriation under this section is not subject to review by the county tax adjustment board or the department of local government finance, and the general statutes regarding appropriation of funds do not affect this chapter.

SECTION 44. IC 36-9-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Contracts for public improvements under this chapter must be awarded in the manner prescribed by IC 36-1-12.

(b) **A municipality may consider a parking meter a public facility for purposes of IC 5-23 and may enter into an agreement under IC 5-23 to carry out the purposes of this chapter."**

Page 14, line 11, delete "December" and insert "**March**".

Page 14, after line 15, begin a new paragraph and insert:

"SECTION 50. [EFFECTIVE UPON PASSAGE] **A large percentage of the land in the city of Bloomington and in Monroe County is not taxable because the land is owned by the state or the federal government, which puts the city and the county at a disadvantage in their ability to fund projects. These special circumstances require legislation particular to the city and county.**

SECTION 51. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1604 as printed February 17, 2009.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 2.

KENLEY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Concurrent Resolution 95, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Engrossed House Bill 1326, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

LANDSKE, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

## Senate Concurrent Resolution 34

Senate Concurrent Resolution 34, introduced by Senators Boots, Lawson, and Gard:

A CONCURRENT RESOLUTION honoring Hoosier athletes and coaches who competed in the 2008 Summer Olympics in Beijing, China.

*Whereas, The State of Indiana was proudly represented by athletes and coaches in eight different sports: diving, track and field, gymnastics, fencing, soccer, volleyball, field hockey and basketball;*

*Whereas, The twenty-six Hoosier Olympic participants and coaches:*

*Lloy Ball, Volleyball  
Kayla Bashore, Field Hockey  
David Boudia, Diving  
Shannon Boxx, Soccer  
Kelci Bryant, Diving  
Amber Campbell, Track and Field  
Tamika Catchings, Basketball  
Wenbo Chen, Diving  
Lauren Cheney, Soccer  
Leroy Dixon, Track and Field  
Mary Beth Dunnichay, Diving  
Thomas Finchum, Diving  
Kelley Hurley, Fencing  
Haley Ishimatsu, Diving  
Christina Loukas, Diving  
Kate Markgraf, Soccer  
Gerek Meinhardt, Fencing  
David Neville, Track and Field  
Kara Patterson, Track and Field  
Samantha Peszek, Gymnastics  
Ariel Rittenhouse, Diving*

*Bridget Sloan, Gymnastics  
Aarik Wilson, Track and Field  
John Wingfield, Diving  
Amy Yoder-Begley, Track and Field  
Mariel Zagunis, Fencing*

*spent countless hours training and preparing for the most honored athletic competition in history;*

*Whereas, Eight Hoosier athletes, including David Neville, Samantha Peszek, Bridget Sloan, Mariel Zagunis, Shannon Boxx, Lauren Cheney, Kate Markgraf and Tamika Catchings, won Olympic medals in their respective sports, an honor reserved for the top athletes in the world;*

*Whereas, Two Hoosier athletes, David Neville and Mariel Zagunis, won multiple medals in their respective sports, a true feat of strength and ability; and*

*Whereas, All Hoosier Olympic athletes and coaches showed great determination, tenacity and strength in Beijing while representing the State of Indiana: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates all Hoosier Olympic athletes and coaches who competed in the 2008 Summer Olympics in Beijing, China.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to David Boudia, Kelci Bryant, Mary Beth Dunnichay, Thomas Finchum, Haley Ishimatsu, Christina Loukas, Ariel Rittenhouse, John Wingfield, Wenbo Chen, Amy Yoder-Begley, Amber Campbell, Leroy Dixon, David Neville, Kara Patterson, Aarik Wilson, Samantha Peszek, Bridget Sloan, Kelley Hurley, Gerek Meinhardt, Mariel Zagunis, Shannon Boxx, Lauren Cheney, Kate Markgraf, Lloy Ball, Kayla Bashore and Tamika Catchings.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Cherry, Steuerwald, and Thompson.

## RESOLUTIONS ON SECOND READING

## Senate Resolution 45

Senator Holdman called up Senate Resolution 45 for second reading. The resolution was read a second time by title and adopted by voice vote.

## Senate Concurrent Resolution 49

Senator Merritt called up Senate Concurrent Resolution 49 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Kersey and Frizzell.

# ENGROSSED HOUSE BILLS ON SECOND READING

## Engrossed House Bill 1040

Senator Zakas called up Engrossed House Bill 1040 for second reading. The bill was read a second time by title.

### SENATE MOTION (Amendment 1040-2)

Madam President: I move that Engrossed House Bill 1040 be amended to read as follows:

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 2. IC 30-4-3.5-1, AS AMENDED BY P.L.61-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as otherwise provided in ~~subsection~~ **subsections (b) and (d)**, a trustee who invests and manages trust assets owes a duty to the beneficiaries of the trust to comply with the prudent investor rule set forth in this chapter.

(b) The prudent investor rule, a default rule, may be expanded, restricted, eliminated, or otherwise altered by the provisions of a trust. A trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on the provision of the trust.

(c) This chapter applies to a trustee or escrow agent, acting as fiduciary, of:

- (1) a perpetual care fund or an endowment care fund established under IC 23-14-48-2;
- (2) a prepaid funeral plan or funeral trust established under IC 30-2-9;
- (3) a funeral trust established under IC 30-2-10; or
- (4) a trust or escrow account created from payments of funeral, burial services, or merchandise in advance of need, as described in IC 30-2-13.

**(d) Except as provided in subsections (e) and (f), the duties of a trustee with respect to the acquisition or retention of any contract of insurance on the life or lives of a settlor or a settlor's spouse, or both, do not include the following:**

- (1) A duty to determine whether a contract of insurance is or remains a proper investment.**
- (2) A duty to exercise policy options, including investment options, available under a contract of insurance.**
- (3) A duty to diversify if a contract of insurance is the sole or a major asset of a trust.**

**A trustee is not liable to any person for not determining whether a contract of insurance is or remains a proper investment, for not exercising policy options, including investment options, available under a contract of insurance, or for not diversifying a trust in which a contract of insurance is the sole or a major asset of the trust.**

**(e) With respect to a trust established before July 1, 2009, subsection (d) applies to the trust only if a trust settlor is still living and:**

- (1) the trustee of the trust notifies the settlor in writing that subsection (d) will apply to the trust unless the settlor provides to the trustee, less than sixty (60) days after the settlor receives the trustee's notice under this**

**subdivision, a written objection to the application of subsection (d) to the trust; and**

**(2) the settlor does not provide to the trustee, less than sixty (60) days after the settlor receives the trustee's notice under subdivision (1), a written objection to the application of subsection (d) to the trust.**

**(f) The exclusion of a particular duty under subsection (d) does not:**

**(1) apply to a trustee if the trust administered by the trustee specifically provides that the trustee has that duty; or**

**(2) create any duty or any liability to a trust beneficiary on the part of the insurance company or its representatives involved in the issuance of a contract of insurance.**

SECTION 3. IC 34-30-2-131, AS AMENDED BY P.L.238-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 131. (a) IC 30-4-3-1.5 (Concerning actions of a trustee who does not know that a trust has been revoked or amended).

(b) IC 30-4-3-6.5 (Concerning actions of a trustee who does not know of the happening of an event that affects the trust).

(c) IC 30-4-3-11 (Concerning trustees and beneficiaries of a trust in certain circumstances).

**(d) IC 30-4-3.5-1(d) (Concerning trustees and life insurance contracts)."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1040 as printed March 27, 2009.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

## Engrossed House Bill 1063

Senator Lawson called up Engrossed House Bill 1063 for second reading. The bill was read a second time by title.

### SENATE MOTION (Amendment 1063-1)

Madam President: I move that Engrossed House Bill 1063 be amended to read as follows:

Page 3, line 3, after "amounts to" insert "**gross**".

(Reference is to HB 1063 as printed March 31, 2009.)

BECKER

Motion prevailed. The bill was ordered engrossed.

## Engrossed House Bill 1094

Senator Hershman called up Engrossed House Bill 1094 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## Engrossed House Bill 1121

Senator Steele called up Engrossed House Bill 1121 for second reading. The bill was read a second time by title.

### SENATE MOTION (Amendment 1121-1)

Madam President: I move that Engrossed House Bill 1121 be

amended to read as follows:

Page 3, line 22, after "crimes;" insert **"and"**.  
 Page 3, delete lines 26 through 42.  
 Delete pages 4 through 6.  
 Page 7, delete lines 1 through 7.  
 Page 7, line 33, strike "system."  
 Page 12, delete lines 27 through 42.  
 Delete pages 13 through 15.  
 Page 16, delete lines 1 through 19.  
 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1121 as printed March 31, 2009.)

STEELE

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1285

Senator Becker called up Engrossed House Bill 1285 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1372

Senator Gard called up Engrossed House Bill 1372 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1382

Senator Gard called up Engrossed House Bill 1382 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1468

Senator Lubbers called up Engrossed House Bill 1468 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1468-1)

Madam President: I move that Engrossed House Bill 1468 be amended to read as follows:

Page 5, line 8, after "9 CFR 3.12" delete ";" and insert **"and IC 15-21-4-1(b);"**.

Page 8, line 30, after "Sec. 1." insert **"(a)"**.

Page 8, between lines 31 and 32, begin a new paragraph and insert:

**"(b) A commercial dog breeder:**

**(1) may not house a dog in a cage containing a wire floor unless the cage contains an accommodation that allows the dog to be off the wire floor;**

**(2) who houses a dog in a wire cage shall house the dog in a cage that is large enough to allow for reasonable movement by the dog; and**

**(3) shall provide every dog with a reasonable opportunity for exercise at least one (1) time per day."**

(Reference is to EHB 1468 as printed April 3, 2009.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1483

Senator Hershman called up Engrossed House Bill 1483 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1483-1)

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 1, line 11, delete "individuals," and insert **"individuals,"**.

Page 2, between lines 4 and 5, begin a new paragraph and insert:

**"SECTION 2. IC 9-13-2-69.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 69.7. "Golf cart" means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.**

SECTION 3. IC 9-13-2-94.5, AS AMENDED BY P.L.9-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 94.5. "Low speed vehicle" means a four (4) wheeled electrically powered motor vehicle:

(1) with a maximum design speed of not more than thirty-five (35) miles per hour;

(2) with operational and equipment specifications described in 49 CFR 571.500;

(3) that is equipped with:

(A) headlamps;

(B) front and rear turn signal lamps, tail lamps, and stop lamps;

(C) reflex reflectors;

(D) exterior or interior mirrors;

(E) brakes as specified in IC 9-19-3-1;

(F) a windshield;

(G) a vehicle identification number; and

(H) a safety belt installed at each designated seating position; and

(4) that has not been privately assembled as described in IC 9-17-4-1.

**The term does not include a golf cart."**

Page 2, between lines 14 and 15, begin a new paragraph and insert:

**"SECTION 5. IC 9-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This article does not apply to farm wagons, a golf cart, or to a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.**

SECTION 6. IC 9-18-1-1, AS AMENDED BY P.L.1-2006, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This article does not apply to the following:

(1) Farm wagons.

(2) Farm tractors.

(3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(5) Off-road vehicles.

**(6) Golf carts.**

SECTION 7. IC 9-19-1-1, AS AMENDED BY P.L.210-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (b) and as otherwise provided in this chapter, this article does not apply to the following with respect to equipment on vehicles:

(1) Implements of agriculture designed to be operated primarily in a farm field or on farm premises.

(2) Road machinery.

(3) Road rollers.

(4) Farm tractors.

(5) Vehicle chassis that:

(A) are a part of a vehicle manufacturer's work in process; and

(B) are driven under this subdivision only for a distance of less than one (1) mile.

**(6) Golf carts.**

(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply."

Page 2, line 17, delete "as" and insert "(as".

Page 2, line 17, delete "IC 9-13-2-60(a)(1)." and insert "**IC 9-13-2-60(a)(1)**".

Page 2, line 18, delete "as" and insert "(as".

Page 2, line 18, delete "IC 9-13-2-60(a)(2)" and insert "**IC 9-13-2-60(a)(2)**".

Page 3, line 1, delete "as" and insert "(as".

Page 3, line 2, delete "IC 9-13-2-60(a)(1)" and insert "**IC 9-13-2-60(a)(1)**".

Page 3, line 4, delete "as" and insert "(as".

Page 3, line 4, delete "IC 9-13-2-60(a)(2)" and insert "**IC 9-13-2-60(a)(2)**".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 10. IC 9-21-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Except as provided in sections 2, ~~and 3~~, **and 3.3** of this chapter, this article applies throughout Indiana.

SECTION 11. IC 9-21-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A local authority, with respect to private roads and highways under the authority's jurisdiction, in accordance with section 2 of this chapter, and within the reasonable exercise of the police power, may do the following:

(1) Regulate the standing or parking of vehicles.

(2) Regulate traffic by means of police officers or traffic control signals.

(3) Regulate or prohibit processions or assemblages on the highways.

(4) Designate a highway as a one-way highway and require that all vehicles operated on the highway be moved in one (1) specific direction.

(5) Regulate the speed of vehicles in public parks.

(6) Designate a highway as a through highway and require that all vehicles stop before entering or crossing the highway.

(7) Designate an intersection as a stop intersection and require all vehicles to stop at one (1) or more entrances to the intersection.

(8) Restrict the use of highways as authorized in IC 9-21-4-7.

(9) Regulate the operation of bicycles and require the registration and licensing of bicycles, including the requirement of a registration fee.

(10) Regulate or prohibit the turning of vehicles at intersections.

(11) Alter the prima facie speed limits authorized under IC 9-21-5.

(12) Adopt other traffic regulations specifically authorized by this article.

(13) Adopt traffic regulations governing traffic control on public school grounds when requested by the governing body of the school corporations.

(14) Regulate or prohibit the operation of low speed vehicles **or golf carts** on highways.

(b) An ordinance or regulation adopted under subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), or (a)(14), is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected.

SECTION 12. IC 9-21-1-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.3. (a) A city or a town may adopt by ordinance additional traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city or the town. An ordinance adopted under this subsection may not conflict with or duplicate state law.**

**(b) A fine assessed for a violation of a traffic ordinance adopted by a city or a town under this section shall be deposited into the general fund of the city or town.**

**(c) A person who violates subsection (a) commits a Class C infraction."**

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 14. IC 9-21-9-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

**(3) Except as provided in subsection (b), a golf cart.**

**(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in**

**accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city or town.**

SECTION 15. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.
- (6) A golf cart.**

SECTION 16. IC 9-22-3-0.5, AS ADDED BY P.L.219-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include:

- (1) an off-road vehicle; or
- (2) a golf cart.**

SECTION 17. IC 9-22-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. **(a) This section does not apply to a person who sells, exchanges, or transfers golf carts.**

**(b) A seller that is:**

- (1) a dealer; or
- (2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle."

Page 3, line 20, after "7." insert **"(a)"**.

Page 3, line 32, delete "as" and insert **"(as)"**.

Page 3, line 33, delete "IC 9-13-2-60(a)(2)," and insert **"IC 9-13-2-60(a)(2)),"**

Page 3, line 37, delete "as" and insert **"(as)"**.

Page 3, line 37, delete "IC 9-13-2-60(a)(2)" and insert **"IC 9-13-2-60(a)(2))"**.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

**"(b) An ordinance adopted under IC 9-21-1-3((a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city or town hold a driver's license.**

SECTION 19. IC 9-26-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. Section 1 of this chapter applies to a person removing a wrecked or damaged golf cart from a street or highway.**

SECTION 20. IC 14-8-2-116.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 116.5. "Golf cart", for purposes of IC 14-8-2-185 and IC 14-19-1-0.5, has the meaning set forth in IC 9-13-2-69.7."**

Page 5, line 27, delete "as" and insert **"(as)"**.

Page 5, line 27, delete "IC 9-13-2-60(a)(2)." and insert **"IC 9-13-2-60(a)(2)),"**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1483 as printed March 18, 2009.)

STUTZMAN

Motion prevailed.

#### SENATE MOTION (Amendment 1483-2)

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"SECTION 5. IC 9-21-1-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.3. (a) A city or a town may adopt by ordinance additional traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city or the town. An ordinance adopted under this subsection may not conflict with or duplicate state law. However, an ordinance adopted under this subsection must provide that if the owner or operator of a golf cart being operated under the authority of the ordinance does not maintain financial responsibility on the golf cart in the manner required under IC 9-25-4-4, the city or town that has adopted the ordinance assumes all liability for the operation of the golf cart.**

**(b) A fine assessed for a violation of a traffic ordinance adopted by a city or a town under this section shall be deposited into the general fund of the city or town.**

**(c) A person who violates subsection (a) commits a Class C infraction."**

Page 5, between lines 10 and 11, begin a new paragraph and insert:

**"SECTION 8. IC 9-25-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. This article applies to the owner or operator of a golf cart being operated on a highway under the jurisdiction of a city or a town in accordance with an ordinance adopted under IC 9-21-1-3.3."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1483 as printed March 18, 2009.)

WYSS

Motion failed. The bill was ordered engrossed.

#### Engrossed House Bill 1511

Senator Bray called up Engrossed House Bill 1511 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1514

Senator Bray called up Engrossed House Bill 1514 for second reading. The bill was reread a second time by title.

SENATE MOTION  
(Amendment 1514-5)

Madam President: I move that Engrossed House Bill 1514 be amended to read as follows:

Page 8, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 4. IC 5-14-3-3, AS AMENDED BY P.L.2-2007, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in **section sections 4 and 4.4** of this chapter. A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). The public agency shall either:

- (1) provide the requested copies to the person making the request; or
- (2) allow the person to make copies:
  - (A) on the agency's equipment; or
  - (B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

- (1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.
- (2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or

political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
  - (A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;
  - (B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or
  - (C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

- (1) for the storage or copying of public records; or
- (2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable



statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

SECTION 5. IC 5-14-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 4.4. (a) Except as provided in subsection (b), disbursement information reported to the attorney general under IC 23-1-53-1(c), IC 23-17-27-6(c), and IC 30-4-5-12(e) is excepted from section 3 of this chapter if both of the following apply:**

**(1) The disbursement was made with respect to negotiations with an industrial, research, or commercial prospect for the purpose of persuading the prospect to invest in the locality, to build or relocate a business or organization in the locality, or to perform or provide other economic development services or benefits for the locality.**

**(2) The person required to prepare the annual report under IC 23-1-53-1(c), IC 23-17-27-6(c), or IC 30-4-5-12(e) specifies in the annual report that the disbursement was made for a purpose set forth in subsection (a)(1) and requests that it be excepted from section 3 of this chapter.**

**(b) The exception provided under subsection (a) does not apply if:**

**(1) the attorney general determines that a violation of applicable state or federal law relating to the disbursement has occurred and the attorney general takes enforcement action under the applicable law; or**  
**(2) the attorney general, in furtherance of an investigation, refers the disbursement information to a state, federal, or local law enforcement agency or a government agency with responsibility for enforcement of state or federal law, or a local ordinance, and the agency receiving the disbursement information from the attorney general determines that a violation of applicable law has occurred and takes enforcement action under the applicable law.**

SECTION 6. IC 23-1-20-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 6.1. "Development agreement" means an agreement that:**

**(1) is between:**

**(A) the direct or indirect holder of an owner's license issued under IC 4-33 or an operating agent contract (as defined in IC 4-33-2-14.6); and**

**(B) either:**

**(i) a person; or**

**(ii) a unit of local government; and**

**(2) sets forth the holder's financial commitments to support economic development in a unit or a geographic region.**

SECTION 7. IC 23-1-20-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 6.2. "Development**

**agreement payment" means any payment that a direct or indirect holder of:**

**(1) an owner's license under IC 4-33; or**

**(2) an operating agent contract (as defined in IC 4-33-2-14.6);**

**is required to make under a development agreement.**

SECTION 8. IC 23-1-53-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 1. (a) On written request of any shareholder, a corporation shall prepare and mail to the shareholder annual financial statements, which may be consolidated or combined statements of the corporation and one (1) or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year most recently completed, an income statement for that year, and a statement of changes in shareholders' equity for that year unless that information appears elsewhere in the financial statements. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on that basis.**

**(b) If the annual financial statements are reported upon by a public accountant, the public accountant's report must accompany them. If not, the statements must be accompanied by a statement of the president or the person responsible for the corporation's accounting records:**

**(1) stating the person's reasonable belief whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and**

**(2) describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.**

**(c) If a corporation is a recipient of a local development agreement payment, the corporation shall prepare an annual report containing the following information before February 1 of each year:**

**(1) A verified accounting of all accounts associated with local development agreement payments received in the preceding calendar year.**

**(2) An itemized list of all disbursements of local development agreement payments made to any person exceeding five thousand dollars (\$5,000) in the aggregate during the preceding calendar year. The itemized list must include:**

**(A) the legal name of the recipient of a disbursement;**

**(B) the date of each disbursement;**

**(C) the amount of each disbursement; and**

**(D) the purpose of each disbursement.**

**(d) The principal officer of a corporation subject to subsection (c) shall annually, before March 1 of each year, file with the attorney general a verified written certification stating that an annual report has been prepared showing at least the items listed in subsection (c). The certification must state that the annual report is available to the attorney general upon request.**

SECTION 9. IC 23-17-2-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 15.1. "Development agreement" means an agreement that:**

(1) is between:

(A) the direct or indirect holder of an owner's license issued under IC 4-33 or an operating agent contract (as defined in IC 4-33-2-14.6); and

(B) either:

(i) a person; or

(ii) a unit of local government; and

(2) sets forth the holder's financial commitments to support economic development in a unit or a geographic region.

SECTION 10. IC 23-17-2-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 15.2. "Development agreement payment" means any payment that a direct or indirect holder of:**

(1) an owner's license under IC 4-33; or

(2) an operating agent contract (as defined in IC 4-33-2-14.6);

**is required to make under a development agreement.**

SECTION 11. IC 23-17-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 6.** (a) Except as provided in articles of incorporation or bylaws of a religious corporation, a corporation upon written demand from a member shall furnish the member the corporation's latest annual financial statements, which may be consolidated or combined statements of the corporation and the corporation's subsidiaries or affiliates, as appropriate, that include a balance sheet as of the end of the fiscal year and statement of operations for that year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on that basis.

(b) If annual financial statements are reported upon by a certified public accountant, the accountant's report must accompany the statements. If annual financial statements are not reported upon by a certified public accountant, the statements must be accompanied by the statement of the president or the person responsible for the corporation's financial accounting records that does the following:

(1) States the president's or other person's reasonable belief as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describes the basis of preparation.

(2) Describes any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

**(c) If a corporation is a recipient of a local development agreement payment, the corporation shall prepare an annual report containing the following information before February 1 of each year:**

(1) A verified accounting of all accounts associated with local development agreement payments received in the preceding calendar year.

(2) An itemized list of all disbursements of local development agreement payments made to any person exceeding five thousand dollars (\$5,000) in the aggregate during the preceding calendar year. The itemized list must include:

(A) the legal name of the recipient of a disbursement;

(B) the date of each disbursement;

(C) the amount of each disbursement; and

(D) the purpose of each disbursement.

(d) The principal officer of a corporation subject to subsection (c) shall annually, before March 1 of each year, file with the attorney general a verified written certification stating that an annual report has been prepared showing at least the items listed in subsection (c). The certification must state that the annual report is available to the attorney general upon request.

SECTION 12. IC 30-4-1-2, AS AMENDED BY P.L.61-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 2.** As used in this article:

(1) "Adult" means any person eighteen (18) years of age or older.

(2) "Affiliate" means a parent, descendant, spouse, spouse of a descendant, brother, sister, spouse of a brother or sister, employee, director, officer, partner, joint venturer, a corporation subject to common control with the trustee, a shareholder, or corporation who controls the trustee or a corporation controlled by the trustee other than as a fiduciary, an attorney, or an agent.

(3) "Beneficiary" has the meaning set forth in IC 30-2-14-2.

(4) "Breach of trust" means a violation by the trustee of any duty which is owed to the settlor or beneficiary.

(5) "Charitable trust" means a trust in which all the beneficiaries are the general public or organizations, including trusts, corporations, and associations, and that is organized and operated wholly for religious, charitable, scientific, public safety testing, literary, or educational purposes. The term does not include charitable remainder trusts, charitable lead trusts, pooled income funds, or any other form of split-interest charitable trust that has at least one (1) noncharitable beneficiary.

(6) "Court" means a court having jurisdiction over trust matters.

(7) "Income", except as otherwise stated in a trust agreement, has the meaning set forth in IC 30-2-14-4.

(8) "Income beneficiary" has the meaning set forth in IC 30-2-14-5.

(9) "Inventory value" means the cost of property to the settlor or the trustee at the time of acquisition or the market value of the property at the time it is delivered to the trustee, or the value of the property as finally determined for purposes of an estate or inheritance tax.

(10) "Minor" means any person under the age of eighteen (18) years.

(11) "Person" has the meaning set forth in IC 30-2-14-9.

(12) "Personal representative" means an executor or administrator of a decedent's or absentee's estate, guardian of the person or estate, guardian ad litem or other court appointed representative, next friend, parent or custodian of a minor, attorney in fact, or custodian of an incapacitated person (as defined in IC 29-3-1-7.5).

(13) "Principal" has the meaning set forth in IC 30-2-14-10.

(14) "Qualified beneficiary" means:

(A) a beneficiary who, on the date the beneficiary's qualification is determined:

(i) is a distributee or permissible distributee of trust income or principal;

(ii) would be a distributee or permissible distributee of trust income or principal if the interest of the distributee described in item (i) terminated on that date;

(iii) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date;

(iv) has sent the trustee a request for notice;

(v) is a charitable organization expressly designated to receive distributions under the terms of a charitable trust;

(vi) is a person appointed to enforce a trust for the care of an animal under IC 30-4-2-18; or

(vii) is a person appointed to enforce a trust for a noncharitable purpose under IC 30-4-2-19; or

(B) the attorney general, if the trust is a charitable trust having its principal place of administration in Indiana.

(15) "Remainderman" means a beneficiary entitled to principal, including income which has been accumulated and added to the principal.

(16) "Settlor" means a person who establishes a trust including the testator of a will under which a trust is created.

(17) "Trust estate" means the trust property and the income derived from its use.

(18) "Trust for a benevolent public purpose" means a charitable trust (as defined in subdivision (5)), a split-interest trust (as defined in Section 4947 of the Internal Revenue Code), a perpetual care fund or an endowment care fund established under IC 23-14-48-2, a prepaid funeral plan or funeral trust established under IC 30-2-9, a funeral trust established under IC 30-2-10, a trust or an escrow account created from payments of funeral, burial services, or merchandise in advance of need described in IC 30-2-13, and any other form of split-interest charitable trust that has both charitable and noncharitable beneficiaries, including but not limited to charitable remainder trusts, charitable lead trusts, and charitable pooled income funds.

(19) "Trust property" means property either placed in trust or purchased or otherwise acquired by the trustee for the trust regardless of whether the trust property is titled in the name of the trustee or the name of the trust.

(20) "Trustee" has the meaning set forth in IC 30-2-14-13.

**(21) "Development agreement" means an agreement that:**

**(A) is between:**

**(i) the direct or indirect holder of an owner's license issued under IC 4-33 or an operating agent contract (as defined in IC 4-33-2-14.6); and**

**(ii) either a person or a unit of local government; and**

**(B) sets forth the holder's financial commitments to support economic development in a unit or a geographic region.**

**(22) "Development agreement payment" means any payment that a direct or indirect holder of:**

**(A) an owner's license under IC 4-33; or**

**(B) an operating agent contract (as defined in IC 4-33-2-14.6);**

**is required to make under a development agreement.**

SECTION 13. IC 30-4-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 12. (Accounting by Trustees)

(a) Unless the terms of the trust provide otherwise or unless waived in writing by an adult, competent beneficiary, the trustee shall deliver a written statement of accounts to each income beneficiary or his personal representative annually. The statement shall contain at least:

(1) all receipts and disbursements since the last statement; and

(2) all items of trust property held by the trustee on the date of the statement at their inventory value.

(b) This subsection applies to a charitable trust with assets of at least five hundred thousand dollars (\$500,000). The trustee of a charitable trust shall annually file a verified written certification with the attorney general stating that a written statement of accounts has been prepared showing at least the items listed in section 13(a) of this chapter. The certification must state that the statement of accounts is available to the attorney general and any member of the general public upon request. A charitable trust may not be exempted from this requirement by a provision in a will, trust agreement, indenture, or other governing instrument. This subsection does not prevent a trustee from docketing a charitable trust to finalize a written statement of account or any other lawful purpose in the manner provided in this article. However, this subsection does not apply to an organization that is not required to file a federal information return under Section 6033(a)(2)(A)(i) or Section 6033(a)(2)(A)(ii) of the Internal Revenue Code.

(c) Upon petition by the settlor, a beneficiary or ~~his~~ **the beneficiary's** personal representative, a person designated by the settlor to have advisory or supervisory powers over the trust, or any other person having an interest in the administration or the benefits of the trust, including the attorney general in the case of a trust for a benevolent public purpose, the court may direct the trustee to file a verified written statement of accounts showing the items listed in section 13(a) of this chapter. The petition may be filed at any time, provided, however, that the court will not, in the absence of good cause shown, require the trustee to file a statement more than once a year.

(d) If the court's jurisdiction is of a continuing nature as provided in IC 30-4-6-2, the trustee shall file a verified written statement of accounts containing the items shown in section 13(a) of this chapter with the court biennially, and the court may, on its own motion, require the trustee to file such a statement at any other time provided there is good cause for requiring a statement to be filed.

**(e) If a charitable trust or trust for a benevolent public purpose is a recipient of a local development agreement**

payment, the trustee shall, before February 1 of each year, prepare an annual report containing the following information:

(1) A verified accounting of all accounts associated with local development agreement payments received in the preceding calendar year.

(2) An itemized list of all disbursements of local development agreement payments exceeding five thousand dollars (\$5,000) in the aggregate made to any person during the preceding calendar year. The itemized list must include:

(A) the legal name of the recipient of a disbursement;

(B) the date of each disbursement;

(C) the amount of each disbursement; and

(D) the purpose of each disbursement.

(f) The trustee of a trust subject to subsection (e) shall annually file with the attorney general a verified written certification before March 1 stating that an annual report has been prepared showing at least the items listed in subsection (e). The certification must state that the annual report is available to the attorney general upon request."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1514 as reprinted March 24, 2009.)

STEELE

Motion prevailed.

#### SENATE MOTION (Amendment 1514-4)

Madam President: I move that Engrossed House Bill 1514 be amended to read as follows:

Page 5, line 20, delete "shall diligently" and insert "**may**".

Page 8, line 26, delete "shall diligently" and insert "**may**".

(Reference is to EHB 1514 as reprinted March 24, 2009.)

BRAY

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1535

Senator Steele called up Engrossed House Bill 1535 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1535-2)

Madam President: I move that Engrossed House Bill 1535 be amended to read as follows:

Page 1, line 4, after "provides" insert "**a farmer's market administrator or**".

Page 1, line 5, after "with a" insert "**wired or**".

Page 1, line 9, after "number of" insert "**wired or**".

Page 1, line 11, after "to" insert "**a farmer's market administrator or**".

(Reference is to EHB 1535 as printed March 31, 2009.)

STEELE

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1592

Senator Dillon called up Engrossed House Bill 1592 for

second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1097

Senator Gard called up Engrossed House Bill 1097 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 317: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1175

Senator Becker called up Engrossed House Bill 1175 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 318: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1376

Senator Yoder called up Engrossed House Bill 1376 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 319: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1603

Senator Stutzman called up Engrossed House Bill 1603 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 320: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

### **Engrossed House Bill 1716**

Senator Charbonneau called up Engrossed House Bill 1716 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 321: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

### **MOTIONS TO DISSENT FROM HOUSE AMENDMENTS**

#### **SENATE MOTION**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 365 and that a conference committee be appointed to confer with a like committee of the House.

LAWSON

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 254 and that a conference committee be appointed to confer with a like committee of the House.

BREAUX

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 306 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 126 and that a conference committee be appointed to confer with a like committee of the House.

WALTZ

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 469 and that a conference committee be appointed to confer with a like committee of the House.

BOOTS

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senators Zakas, M. Young, and Charbonneau be added as cosponsors of Engrossed House Bill 1175.

BECKER

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Broden be added as second sponsor of Engrossed House Bill 1471.

HERSHMAN

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Kenley be added as cosponsor of Engrossed House Bill 1604.

WYSS

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Landske be added as second sponsor and Senator Broden be added as third sponsor of Engrossed House Bill 1094.

HERSHMAN

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Buck be added as third sponsor of Engrossed House Bill 1033.

STUTZMAN

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Head be added as cosponsor of Engrossed House Bill 1511.

BRAY

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator R. Young be removed as cosponsor of Engrossed House Bill 1483.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stutzman be added as second sponsor and Senator R. Young be added as third sponsor of Engrossed House Bill 1483.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Concurrent Resolution 49.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Bray, Breaux, Broden, Buck, Charbonneau, Deig, Delph, Dillon, Errington, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Lewis, Long, Lubbers, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Simpson, Sipes, Skinner, Steele, Stutzman, Tallian, Taylor, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 34.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 177.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1326.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as coauthor of Senate Concurrent Resolution 95.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1726.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Concurrent Resolution 95.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1483.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, April 7, 2009.

LAWSON

Motion prevailed.

The Senate adjourned at 2:51 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate